

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

592A0486

## HOUSE JOINT RESOLUTION NO. 1006

Introduced by: Representatives Haley and Lucas and Senators Thompson and Hunhoff

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 amendments to Article III of the Constitution of the State of South Dakota, relating to the  
3 creation of a nonpartisan unicameral legislature and to provide for its membership.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendments to  
7 Article III of the Constitution of the State of South Dakota, as set forth in sections 2 to 20,  
8 inclusive, of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors  
9 of the state for approval.

10 Section 2. That Article III, section 1 of the Constitution of the State of South Dakota, be  
11 amended to read as follows:

12 § 1. The legislative power of the state shall be vested in a the Legislature ~~which shall consist~~  
13 ~~of a senate and house of representatives~~. However, the people expressly reserve to themselves  
14 the right to propose measures, which shall be submitted to a vote of the electors of the state, and  
15 also the right to require that any laws which the Legislature may have enacted shall be submitted  
16 to a vote of the electors of the state before going into effect, except such laws as may be

1 necessary for the immediate preservation of the public peace, health or safety, support of the  
2 state government and its existing public institutions. Not more than five per cent of the qualified  
3 electors of the state shall be required to invoke either the initiative or the referendum.

4 This section shall not be construed so as to deprive the Legislature or any member thereof  
5 of the right to propose any measure. The veto power of the Executive shall not be exercised as  
6 to measures referred to a vote of the people. This section shall apply to municipalities. The  
7 enacting clause of all laws approved by vote of the electors of the state shall be: "Be it enacted  
8 by the people of South Dakota." The Legislature shall make suitable provisions for carrying into  
9 effect the provisions of this section.

10 Section 3. That Article III, section 2 of the Constitution of the State of South Dakota, be  
11 amended to read as follows:

12 § 2. After the Legislature elected for the years ~~1937 and 1938~~ 1999 and 2000, the number  
13 of members of the house of representatives shall not be less than fifty nor more than seventy-five  
14 and the number of members of the senate shall not be less than twenty-five nor more than  
15 ~~thirty-five~~ seventy. The organization and administration of the Legislature shall be nonpartisan.

16 The sessions of the Legislature shall be ~~biennial except as otherwise provided in this~~  
17 ~~Constitution~~ annual.

18 Section 4. That Article III, section 3 of the Constitution of the State of South Dakota, be  
19 amended to read as follows:

20 § 3. No person ~~shall be~~ is eligible to the office of senator who is not a qualified elector in the  
21 district from which ~~he may be~~ chosen, and a citizen of the United States, and who ~~shall~~ has not  
22 ~~have~~ attained the age of twenty-five years, and who ~~shall~~ has not ~~have~~ been a resident of the state  
23 or territory for two years next preceding ~~his~~ election.

24 ~~—No person shall be eligible to the office of representative who is not a qualified elector in the~~  
25 ~~district from which he may be chosen, and a citizen of the United States, and who shall not have~~

1 ~~been a resident of the state or territory for two years next preceding his election, and who shall~~  
2 ~~not have attained the age of twenty-five years.~~

3 No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder,  
4 sheriff or collector of public moneys, member of either house of Congress, or person holding any  
5 lucrative office under the United States, or this state, or any foreign government, shall be a  
6 member of the Legislature: provided, that appointments in the militia, the offices of notary public  
7 and justice of the peace shall not be considered lucrative; nor shall any person holding any office  
8 of honor or profit under any foreign government or under the government of the United States,  
9 except postmasters whose annual compensation does not exceed the sum of three hundred  
10 dollars, hold any office in either branch of the Legislature or become a member thereof.

11 Section 5. That Article III, section 4 of the Constitution of the State of South Dakota, be  
12 amended to read as follows:

13 § 4. No person who has been, ~~or hereafter shall be,~~ convicted of bribery, perjury, or other  
14 infamous crime, nor any person who has been, or may be collector or holder of public moneys,  
15 who shall not have accounted for and paid over, according to law, all such moneys ~~due from him,~~  
16 shall be eligible to the Legislature or to any office ~~in either branch~~ thereof.

17 Section 6. That Article III, section 5 of the Constitution of the State of South Dakota, be  
18 amended to read as follows:

19 § 5. The Legislature shall apportion its membership by dividing the state into ~~as many~~  
20 ~~single-member, thirty-five legislative districts as there are state senators. House districts shall be~~  
21 ~~established wholly within senatorial districts and shall be either single-member or dual-member~~  
22 ~~districts as the Legislature shall determine.~~ Legislative districts shall consist of compact,  
23 contiguous territory and shall have population as nearly equal as is practicable, based on the last  
24 preceding federal census. An apportionment shall be made by the Legislature ~~in 1983 and in~~  
25 1991, and every ten years after 1991. Such apportionment shall be accomplished by December

1 first of the year in which the apportionment is required. If any Legislature whose duty it is to  
2 make an apportionment shall fail to make the same as herein provided, it shall be the duty of the  
3 Supreme Court within ninety days to make such apportionment.

4 Section 7. That Article III, section 6 of the Constitution of the State of South Dakota, be  
5 amended to read as follows:

6 § 6. The terms of office of the ~~members~~ senators of the Legislature shall be ~~two~~ four years;  
7 they shall receive for their services the salary fixed by law under the provisions of § 2 of Article  
8 XXI of this Constitution, and five cents for every mile of necessary travel in going to and  
9 returning from the place of meeting of the Legislature on the most usual route.

10 One senator shall be elected from each legislative district at each general election. However,  
11 in 2000, two senators shall be elected, one to a four-year term and one to a two-year term. Each  
12 senator shall be elected on a nonpartisan ballot.

13 No person may serve more than ~~four~~ two consecutive terms or a total of eight consecutive  
14 years in the ~~senate and more than four consecutive terms or a total of eight consecutive years in~~  
15 ~~the house of representatives~~ Legislature. However, this restriction does not apply to partial terms  
16 to which a ~~legislator~~ senator may be appointed or to legislative service before January 1, ~~1993~~  
17 2001.

18 A regular session of the Legislature shall be held in each odd-numbered year and shall not  
19 exceed forty legislative days, excluding Sundays, holidays, and legislative recess, except in cases  
20 of impeachment, and members of the Legislature shall receive no other pay or perquisites except  
21 salary and mileage.

22 A regular session of the Legislature shall be held in each even-numbered year ~~beginning with~~  
23 ~~the year 1964~~ and shall not exceed thirty-five legislative days, excluding Sundays, holidays, and  
24 legislative recess, except in cases of impeachment, and members of the Legislature shall receive  
25 no other pay or perquisites except salary and mileage.

Section 8. That Article III, section 8 of the Constitution of the State of South Dakota, be amended to read as follows:

§ 8. Members of the Legislature and officers thereof, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of South Dakota, and will faithfully discharge the duties of (senator, ~~representative~~ or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company or person, for any vote or influence I may give or withhold on any bill or resolution, or appropriation, or for any other official act.

This oath shall be administered by a judge of the Supreme or circuit Court, or the presiding officer ~~of either house~~, in the hall of the house ~~to which the member or officer is elected~~, and the secretary of state shall record and file the oath subscribed by each member and officer.

Any member or officer of the Legislature who shall refuse to take the oath herein prescribed shall forfeit ~~his~~ office.

Any member or officer of the Legislature who shall be convicted of having sworn falsely to, or violated ~~his said~~ the oath, shall forfeit ~~his~~ office and be disqualified thereafter from holding the office of senator ~~or member of the house of representatives~~ or any office within the gift of the Legislature.

Section 9. That Article III, section 9 of the Constitution of the State of South Dakota, be amended to read as follows:

§ 9. ~~Each house~~ The Legislature shall be the judge of the election returns and qualifications of its own members.

1 A majority of the members of ~~each house shall~~ constitute a quorum, but a smaller number  
2 may adjourn from day-to-day, and may compel the attendance of absent members in such a  
3 manner and under such penalty as ~~each house~~ the Legislature may provide.

4 ~~Each house~~ The Legislature shall determine the rules of its proceedings, shall choose its own  
5 officers and employees and fix the pay thereof, except as otherwise provided in this Constitution.

6 Section 10. That Article III, section 10 of the Constitution of the State of South Dakota, be  
7 amended to read as follows:

8 § 10. The Governor shall make appointments to fill such vacancies as may occur in ~~either~~  
9 ~~house of~~ the Legislature.

10 Section 11. That Article III, section 11 of the Constitution of the State of South Dakota, be  
11 amended to read as follows:

12 § 11. Senators ~~and representatives~~ shall, in all cases except treason, felony or breach of the  
13 peace, be privileged from arrest during the session of the Legislature, and in going to and  
14 returning from the same; and for words used in any speech or debate ~~in either house~~ on the floor,  
15 they shall not be questioned in any other place.

16 Section 12. That Article III, section 12 of the Constitution of the State of South Dakota, be  
17 amended to read as follows:

18 § 12. No member of the Legislature shall, during the term for which ~~he was~~ elected, be  
19 appointed or elected to any civil office in the state which shall have been created, or the  
20 emoluments of which shall have been increased during the term for which ~~he was~~ elected, nor  
21 shall any member receive any civil appointment from the Governor, the Governor and ~~senate~~ the  
22 Legislature, or from the Legislature during the term for which ~~he shall have been~~ elected, and  
23 all such appointments and all votes given for any such members for any such office or  
24 appointment shall be void; nor shall any member of the Legislature during the term for which ~~he~~  
25 ~~shall have been~~ elected, or within one year thereafter, be interested, directly or indirectly, in any

1 contract with the state or any county thereof, authorized by any law passed during the term for  
2 which ~~he shall have been~~ elected.

3 Section 13. That Article III, section 13 of the Constitution of the State of South Dakota, be  
4 amended to read as follows:

5 § 13. ~~Each house~~ The Legislature shall keep a journal of its proceedings and publish ~~the same~~  
6 them from time to time, except such parts as require secrecy, and the yeas and nays of members  
7 on any question shall be taken at the desire of one-sixth of those present and entered upon the  
8 journal.

9 Section 14. That Article III, section 15 of the Constitution of the State of South Dakota, be  
10 amended to read as follows:

11 § 15. The sessions of ~~each house~~ the Legislature and of the committee of the whole shall be  
12 open, unless when the business is such as ought to be kept secret.

13 Section 15. That Article III, section 16 of the Constitution of the State of South Dakota, be  
14 repealed.

15 ~~§ 16. Neither house shall without the consent of the other adjourn for more than three days,~~  
16 ~~nor to any other place than that in which the two houses shall be sitting.~~

17 Section 16. That Article III, section 19 of the Constitution of the State of South Dakota, be  
18 amended to read as follows:

19 § 19. The presiding officer ~~of each house~~ shall, in the presence of the ~~house over which he~~  
20 presides members, sign all bills and joint resolutions passed by the Legislature, after their titles  
21 have been publicly read immediately before signing, and the fact of signing shall be entered upon  
22 the journal.

23 Section 17. That Article III, section 20 of the Constitution of the State of South Dakota, be  
24 repealed.

25 ~~§ 20. Any bill may originate in either house of the Legislature, and a bill passed by one house~~

1 ~~may be amended in the other.~~

2 Section 18. That Article III, section 22 of the Constitution of the State of South Dakota, be  
3 amended to read as follows:

4 § 22. No act shall take effect until ninety days after the adjournment of the session at which  
5 it passed, unless in case of emergency, (to be expressed in the preamble or body of the act) the  
6 Legislature shall by a vote of two-thirds of all the members elected ~~of each house~~, otherwise  
7 direct.

8 Section 19. That Article III, section 30 of the Constitution of the State of South Dakota, be  
9 amended to read as follows:

10 § 30. The Legislature may by law empower a committee comprised of members of ~~both~~  
11 ~~houses of~~ the Legislature, acting during recesses or between sessions, to suspend rules and  
12 regulations promulgated by any administrative department or agency from going into effect until  
13 July 1 after the Legislature reconvenes.

14 Section 20. That Article III, section 31 of the Constitution of the State of South Dakota, be  
15 amended to read as follows:

16 § 31. In addition to the provisions of Article IV, § 3, the Legislature may be convened in  
17 special session by the presiding ~~officers of both houses~~ officer upon the written request of  
18 two-thirds of the members ~~of each house~~. The petition of request shall state the purposes of the  
19 session, and only business encompassed by those purposes may be transacted.